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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 KISHORE PALLAPOTHU,

11 Defendant.
12

Case No. 15-cr-00427-BLF-2

**ORDER CONTINUING SURRENDER
DATE**

13 Defendant Kishore Pallapothu pleaded guilty to one count of conspiracy to commit visa
14 fraud, *see* 18 U.S.C. § 371, one count of visa fraud, *see* 18 U.S.C. § 1546(a), and one count of
15 witness tampering, *see* 18 U.S.C. § 1512(b)(3). ECF 233 (Judgment); ECF 20 (Indictment).
16 Sentencing took place on January 14, 2020, at which Mr. Pallapothu was sentenced to, *inter alia*,
17 33 months in prison. ECF 232. The Court ordered Mr. Pallapothu to self-surrender to the Bureau
18 of Prisons by 2:00 p.m. on June 11, 2020. *Id.*


19 In light of our public health directives in response to the COVID-19 national emergency, the
20 Court will *sua sponte* continue Mr. Pallapothu's surrender date from June 11, 2020 to September 1,
21 2020. A district court has inherent authority to stay proceedings "where such a stay would be a
22 proper exercise of discretion." *Rhines v. Weber*, 544 U.S. 269, 276 (2005) (citing *Landis v. N. Am.*
23 *Co.*, 299 U.S. 248, 254 (1936)). The seriousness of the COVID-19 national emergency is well-
24 documented in the Northern District of California's General Order No. 72, issued on March 16,
25 2020 by Chief District Judge Phyllis J. Hamilton. Mr. Pallapothu is currently not in custody, *see*
26 ECF 232, as the Government has not sought to detain him pursuant to 18 U.S.C. § 3143 as a flight
27 risk or danger to the community. Under the present circumstances, the Court finds there is good
28 cause to stay execution of Mr. Pallapothu's sentence and postpone Mr. Pallapothu's surrender date.

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Mr. Pallapothu's surrender date is hereby CONTINUED to **September 1, 2020, no later than 2 p.m.** The Government is free to request the Court's reconsideration of this Order; it must do so by **April 3, 2020.** In addition, should public health conditions later necessitate a further continuance, the Court will consider a request to that effect by the defendant.

IT IS SO ORDERED.

Dated: March 27, 2020


BETH LABSON FREEMAN
United States District Judge